IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2378 of 2006 (O&M)
DATE OF DECISION: 25.9.2006

Jaswant Singh

...Appellant

versus

Kaur Chand and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.D.S.Brar, Advocate
for the appellant.
Mr.Vivek Singal, Advocate
for respondent No.3.

UMA NATH SINGH, J. (ORAL)

Learned counsel for the appellant made a statement that the relief sought in the appeal is only confined to against the Insurance Company. Accordingly, he prayed for deletion of the names of respondent Nos.1, 2 and 4. At his request, said names are deleted from the array of the respondents.

Heard on CM No.11714-CII of 2006 (application under Order 41 Rule 27 read with Section 151 CPC for permission to adduce additional evidence). Learned counsel for the appellant submitted that father, being owner of the vehicle, and son, both, are holding valid driving licences. Learned counsel further contended that in the claim petition, the claimants submitted that the appellant, owner of the vehicle, was driving the vehicle, whereas in the criminal case, charge sheet has been filed against the son. Learned counsel also submitted that this is a fit case to be remanded to the Tribunal, in the interest of justice, for allowing the parties to adduce

additional evidence and to establish that the driver of the vehicle (owner or his son) was holding a valid driving licence.

Learned counsel for the Insurance Company also does not have any objection to the case being remanded to the Tribunal.

Under the circumstances, we partly set aside the award limited to the question of validity of the driving licence and the consequent, fixing of the liability and remand the matter to the Tribunal. The Tribunal shall decide the issue afresh in the light of the evidence to be adduced by the parties. As regards the rest of the award, we are not making any observation.

Parties shall appear before the Tribunal on a date to be fixed by it.

The money deposited under Section 173 of the Motor Vehicles Act, 1988, shall be transmitted to the Tribunal for appropriate orders.

The FAO is disposed of accordingly.

(UMA NATH SINGH)
JUDGE

September 25, 2006 **(MAHESH GROVER)**
pk **JUDGE**